# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 645 OF 2003

SERULA COMMUNIDADE GAONKAR ASSOCIATION(SCGA) ....Petitioners

Versus

STATE OF GOA AND 3 ORS., ....Respondents

SHRI V.A. LAWANDE,SHRI JOHN CARDOZO

Coram:- A.M.KHANWILKAR & P. V. HARDAS, JJ.

Date:- 17th December, 2003

P.C.:

Heard counsel for the respective parties

The apprehension expressed in this petition, which is founded on past experience, is, although election date of election programme has already been notified, the same will not proceed, as per the schedule, but is likely to be disrupted, for reasons best known to the authorities. This apprehension stands dispelled, by the affidavit filed by respondent no.3 before us, placing on record clear programme how the election is to proceed. In view of the affidavit filed, we see no reason to doubt the correctness thereof or the bonafide of that statement. In that view of the matter, the apprehension, as expressed, cannot be the basis for interference in writ jurisdiction.

2. The second contention pressed before us is that some persons, who are not eligible to be voters, are included in the voters list and their names would be retained, which would result in malpractice. The objection is for inclusion of those voters, whose names are at Exhibit 'R', at page 64. Whether those persons are eligible or not is an issue which will have to be decided by the Collector or his nominee, who will be put in charge of the election process. If the petitioners have any objection with regard to any particular name, it will be open to them to make a representation in that behalf on or before 22nd December 2003 and we see no reason to doubt that the concerned Officer would not consider such representation/objection, which he is otherwise obliged to in law, before issuance of final voters list. In the circumstances, there is no question of granting any relief or direction at this stage.

3. With regard to other reliefs claimed in this petition, we se no reason to go into those questions at this stage. The same are left open to be examined in appropriate proceedings, if filed.

4. In the circumstances, this petition is disposed of with the above observations and more particularly on

the basis of the assurance given on behalf of the Collector that the election programme will proceed as per the schedule stated in the reply affidavit and in accordance with law.

A.M.KHANWILKAR, J.

P. V. HARDAS, J.